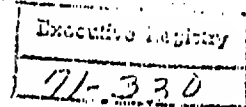


NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506SECRET

January 15, 1971

National Security Study Memorandum 113

TO: The Secretary of State
The Secretary of Defense
The Attorney General
The Director of Central Intelligence
The Chairman of the Atomic Energy Commission

SUBJECT: Procedures for Declassification and Release of
Official Documents

The President has directed that a review be made of current security classification procedures set forth in Executive Order 10501, as amended. The study should include an examination of:

- (a) X -- present actions being taken and procedures being followed by the heads of departments and agencies pursuant to Sec. 7 (b) of E. O. 10501, as amended;
- (b) -- present implementation by the various departments and agencies of Sec. 18 of E.O. 10501, as amended, and of that portion of Sec. 4 which directs department and agency heads to designate persons to be responsible for continuing review of classified material for the purpose of declassifying it;
- c -- whether or not the material currently placed in Group 1 as defined in Sec. 4 of E.O. 10501, as amended, is being reviewed on a regular basis for declassification; and
- [] -- existing criteria and guidelines for release of National Security Council papers produced both by previous Administrations and by the present Administration.

Based upon the foregoing reviews, the study should recommend:

- changes in Sec. 7 (b) of E.O. 10501, as amended, to provide specific criteria under which the heads of departments and agencies can disseminate classified material outside the Executive Branch;

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- measures, if needed, to assure compliance with Sec. 4 and Sec. 18 of E.O. 10501, as amended;
- changes in E.O. 10501, as amended, to provide more specific guidelines as to what material should be placed in Groups 2, 3 and 4, respectively, as defined in Sec. 4;
- guidelines under which, if possible, material now placed in Group 1 could be declassified, with particular attention to the question of whether legislation would be required if it is deemed practical to release any information now classified under the Atomic Energy Act;
- criteria for the release of National Security Council papers from previous Administrations. (The wishes of former Presidents Truman and Johnson regarding NSC papers produced during their Administrations should be ascertained.);
- guidelines for the future release of NSC papers produced during this and future Administrations, including a recommendation for or against the establishment of a permanent NSC review group to determine whether or not the release of any particular NSC document would be injurious to the national security;
- types of classified information to which public access should be granted, conditions under which, and specific groups to whom, such access should be granted, and criteria and procedures for granting such access;
- specific steps which can be taken, both administrative and legal, in cases of release or disclosure of classified information or material except in the manner authorized in E.O. 10501, as amended; and
- changes which ought to be made in that Executive Order to strengthen both the controls over and penalties for the release of classified material except in the manner authorized in E.O. 10501, as amended.

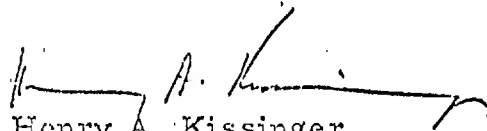
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This study will be prepared by an Ad Hoc Group comprising representatives of the addressees and chaired by the representative of The Attorney General. A representative of the National Security Council staff will be included on the group.


Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff
Director, Office of Management and Budget
Director, Office of Science and Technology
Chairman, President's Foreign Intelligence
Advisory Board

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REVIEW OF
EXECUTIVE ORDER 10501

(Safeguarding Official Information in the
Interests of the Defense of the United States)

I. AUTHORITY

NSSM 113 - 15 January 1971 (attached)

II. PURPOSE

The President directed a review of security classification and declassification procedures as set forth in E.O. 10501 as well as dissemination procedures.

III. SCOPE

Examination of procedures of dissemination outside the Executive Branch, review within department and agencies on release of information and the proper safeguarding, whether Group 1 material is being reviewed on a regular basis for declassification and existing guidelines for release of NSC by present and previous administrations.

Study should recommend:

Specific criteria for dissemination outside Executive Branch

Measures, if needed to comply with procedures for declassification, downgrading and upgrading and for review by agencies

Guidelines of what should be placed in various group markings; also on what can be declassified in Group 1

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Criteria for release of NSC papers from previous administrations; guidelines for future release

Types of classified information to which public access should be granted, etc.

Changes to strengthen both the controls over and penalties for release of classified material

Specific steps which can be taken both administrative and legal in cases of release of disclosures of classified information except in manner authorized.

IV. ACTION TAKEN

A. Establishment of Security Review Committee

Chairman - William H. Rehnquist
Department of Justice

DOD - Joseph J. Liebling

CIA

[REDACTED]

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State - William D. Blair, Jr.

NSC - Thomas K. Latimer

B. The Security Review Committee established three working groups to recommend changes in E.O. 10501 as follows:

Group 1. Legal (Sanction and Penalties covering Unauthorized Disclosure)

Department of Justice
Central Intelligence Agency

[REDACTED]

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Group 2. Release of NSC Papers

White House
State

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Group 3. Classification, Declassification, Downgrading and
Release Outside the Executive Branch

DOD - Van Cook
CIA -
AEC - Charles Marshall
STATE - William Franklin

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The three working groups submitted their reports to the Security Review Committee. The Committee, according to the Chairman of the Committee, reviewed only the Legal and NSC working group reports.

In the meantime the President, on 1 July, directed that the Committee should expand its goals to include:

1. Recommendations on declassifying the documents of World War II, Korean War, U-2 and the Cuban crisis plus a proposed statement to the press concerning this action. (To be handled by the Security Review Committee)
2. Drastic reduction of TS clearances held within and outside the Government.
3. Major reduction of papers classified in the future.
4. Proposed legislation to protect classified material.
5. A new clearance for the most highly classified material.

He also said the clearances for Harvard, Brookings Institute, Rand Corporation and Cal Tech should be revoked. He directed cancellation of the Q clearances held by the regents of the University of California. He wanted no publicity.

On 7 July General Haig passed on the following additional requests from the President:

1. Recommendations on cutting access to SIOP.
2. Distribution access on classified documents should be clearly delineated on each document.

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3. Create a whole new set of warning statements giving both permitted access and warning against unauthorized reproduction. The statement should include notice that violations could result in dismissal.

4. Investigate the debriefing of cleared people when they leave the Government.

5. Investigate how legislative staff members are cleared, who clears them, and how and by whom they are debriefed when they no longer need access.

The above requirements are being considered by the Committee itself and by the working groups.

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